

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

400 2 / 1996

In the Matter of)

Telephone Number Portability)

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CC Docket No. 95-116
RM 8535

**PETITION FOR CLARIFICATION AND/OR RECONSIDERATION OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association ("CTIA"), by its attorneys, respectfully submits its petition for clarification and/or reconsideration of the Commission's *First Report and Order* in the above-captioned proceeding.¹

I. THE COMMISSION SHOULD CLARIFY THE EXTENT TO WHICH CMRS PROVIDERS ARE OBLIGATED TO PROVIDE NUMBER PORTABILITY

In its Order in this docket, the Commission adopted separate number portability implementation schedules for local exchange carriers ("LECs") and commercial mobile radio service ("CMRS") providers. LECs must offer long-term service provider portability in the 100 largest Metropolitan Statistical Areas ("MSAs") commencing on October 1, 1997, and concluding by December 31, 1998, according to a phased

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¹ Telephone Number Portability, First Report and Order in CC Docket No. 95-116 (rel. July 2, 1996) ("Order").

deployment schedule.² After December 31, 1998, each LEC must make long-term number portability available in smaller MSAs within six months after a specific request by another telecommunications carrier in the areas in which the requesting carrier is operating or plans to operate.³ In contrast, all cellular, broadband PCS, and covered SMR carriers must have the capability to deliver calls from their networks to ported numbers throughout the country by December 31, 1998. Moreover, CMRS providers must offer service provider portability in every one of their markets, both urban and rural, by June 30, 1999.⁴

Under the Commission's implementation schedule, CMRS providers are subject to a much broader obligation than the LECs. Just six months after LECs are required to implement number portability in the 100 largest MSAs, CMRS providers are required to implement number portability in all markets -- including those in which the LEC has not received a request to provide number portability. As CTIA previously advised the Commission in its comments in this proceeding,

² Order at 42. Under the phased deployment schedule, the Commission requires deployment in one MSA in each of the seven BOC regions by the end of fourth quarter 1997, 16 additional MSAs by the end of first quarter 1998, 22 additional MSAs by the end of second quarter 1998, 25 additional MSAs by the end of third quarter 1998, and 30 additional MSAs by the end of fourth quarter 1998. Id.

³ Id. at 43.

⁴ Id. at 88-89.

CMRS carriers have interconnected their switches using IS-41 facilities to support roaming on a nationwide basis, and thus require a nationwide solution to support CMRS roaming capabilities. However, the need to support CMRS roaming on a national basis is very different from a requirement to support local number portability on a market or region-specific basis. Therefore, CTIA seeks clarification as to whether the Commission intended to require CMRS providers to implement full local number portability in every market throughout the United States -- in addition to supporting nationwide roaming of CMRS customers with ported numbers -- by June 30, 1999, or whether CMRS providers are obliged to support roaming of CMRS customers with ported numbers on a nationwide basis and provide full local number portability in only the largest 100 markets and any market where the LEC has received a request to provide portability.

If CMRS providers are required to provide full number portability in all markets, the Commission, on reconsideration, should revise the obligations imposed on CMRS providers to more closely mirror those imposed on LECs. In the absence of a regional data base created to support LEC number portability, CMRS providers may not have the technical capability to provide number portability by the date specified in the Order.

In the largely rural Western United States, and in rural areas not included in the Department of Commerce MSA's, as well as the smaller MSAs, it is possible that the LECs will not received a specific request to provide number portability. In that event, the LECs are not required to provide number portability, and a regional database for that particular area may not exist. CMRS providers in that area, therefore, would be required to establish their own database in order to route calls to ported CMRS numbers. CMRS providers, however, may not have a sufficient level of caller volume requesting ported numbers to justify establishing individual databases. Moreover, requiring CMRS carriers to deploy individual databases would place a disproportional burden on CMRS carriers, and would result in the deployment of multiple number portability databases over various geographic areas, an outcome the Commission seeks to avoid.⁵

The Commission should therefore conform the implementation requirements of CMRS providers to that of LECs such that CMRS providers are required to provide number portability only to the 100 largest markets by December 31, 1998.⁶ Thereafter, CMRS providers should be required to

⁵ See Order at 49.

⁶ CMRS carriers would also be expected to support nationwide roaming of customers with ported numbers.

provide number portability in smaller markets upon creation of a regional database that includes both LEC and CMRS numbers. This uniform implementation schedule will ensure that number portability is implemented in an efficient and competitively neutral manner, consistent with a national number portability policy.

II. THE COMMISSION SHOULD DELEGATE AUTHORITY TO THE CHIEF, WIRELESS TELECOMMUNICATIONS BUREAU, TO WAIVE OR STAY ANY OF THE DATES OF THE IMPLEMENTATION SCHEDULE FOR AN UNLIMITED PERIOD OF TIME

In its Order, the Commission recognized that "additional technical issues may arise as the industry begins to focus on provision of portability by CMRS carriers."⁷ The Commission therefore delegated authority to the Chief, Wireless Telecommunications Bureau, to waive or stay any of the dates in the implementation schedule, as the Chief determines necessary to ensure the efficient development of number portability, for a period not to exceed nine months (*i.e.*, no later than September 30, 1999 for the first deadline, and no later than March 31, 2000 for the second deadline).⁸

The nine month period within which the Chief of the Wireless Bureau may waive or stay the implementation schedule is totally arbitrary. It was established without

⁷ Order at 49.

⁸ Id. at 89-90.

any support from the record, it is not predicated on any analysis of the wireless industry's ability to comply with the mandated implementation schedule, and given the technical complexity of the issues likely to be raised by the wireless petitioners, nine months may not provide the Wireless Bureau sufficient time to conduct a reasoned decisionmaking.

Next week CTIA will issue a request for information ("RFI") with respect to the implementation of number portability by CMRS carriers. Based on the responses to this RFI from interested hardware, software, and operating system vendors, CTIA will hold an open forum (in October, 1996) where its members will explore the technical issues associated with meeting the Commission's implementation schedule.

In a matter of this complexity, the statutory filing date for seeking review of the Commission's Order does not provide CTIA with the time it requires to determine CMRS carriers' ability to comply with the aggressive implementation schedule established in the Order. Unfortunately, it will be many months before CTIA can provide meaningful comment on the feasibility of the number portability requirements the Commission has imposed on the wireless industry. However, through CTIA's RFI and Open Forum, as well as through the ongoing efforts of its members


who are participating in the Association's Number Advisory Group, CTIA has begun to obtain the number portability implementation information required by both CMRS carriers and the Commission.

CTIA will provide the Commission with the information it obtains through its Open Forum and from its Number Advisory Group, and intends to supplement the record in this proceeding as additional information concerning implementation of number portability is obtained. Moreover, implementation issues are likely to continue to develop long after this proceeding is closed.

Therefore, as part of this Petition, CTIA asks the Commission to reconsider its limited grant of only nine months discretion given to the Chief, Wireless Telecommunications Bureau, be broadened. The Chief of the Wireless Bureau should be given delegated authority to waive or stay any of the dates of the implementation schedule for

an unlimited period of time based on the requisite showing by the CMRS industry that the schedule established by the Commission in the Order is not achievable.

Respectfully submitted,



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